

## REMARKS

As a result of this amendment, claim 13 has been amended to specify that selected steps are performed while the workpiece is in the automatic adjustable duct machine. It is believed that this amendment will clarify the present invention and distinguish it from the cited prior art. In addition, previously withdrawn claims are now canceled. The applicant reserves the right to continue to prosecute these canceled claims in a divisional patent application.

## CLAIM REJECTIONS – 35 USC 103

The Examiner has rejected claims 13 and 15-18 under 35 USC 102(b) as anticipated by Bota (US Patent 6,378,184, hereinafter "Bota '184").

The Examiner recognizes that Bota '184 does not teach or suggest the step e) of claim 13 requiring "rotating the first work piece portion 180 degrees relative to the second work piece portion such that the first work piece portion is angled to the second work piece portion by an angle generally equivalent to twice the angle of the cut;". However, in stating the claims as obvious, the Examiner states that "The method of Bota '184 accomplishes this using a variation of the steps of claim 13 and the final result of the method of Bota '184 is the same as that of the instant application."

The Applicant traverses the Examiner's position for at least the following reasons:

The present invention automatically manufactures a duct member in a configuration of an elbow. The prior art accomplishes the same configuration of the elbow by requiring an operator to manually rotate the sections of the duct member. Claim 13 is now amended to clarify that steps c) through i) are performed without removing the tubular work piece from the automatic adjustable duct machine. The invention is the automated method of production as defined by claim 13 that removes the risk of repetitive motion injuries that result from the manual rotation of the gores.

The final result of the steps as claimed in claim 13, as amended, is that when the duct member is removed from the machine of the present invention in step j) it is in an angled

configuration. This is different than how the duct member of Bota '184 is removed from the machine of Bota '184.

The Examiner states that the method of Bota '184 accomplishes the invention using a variation of the steps of claim 13. The Applicant respectfully requests that the Examiner identify this stated variation and how they teach each step of the method of claim 13.

The Applicant is claiming the claimed method of claim 13 - not another method that produces the same end result. We have stipulated that the same end result - production of a duct member in an elbow configuration - is achieved using prior art machines that require manual rotation of the gores.

Claim 13 has further been amended to require the step of providing a tubular work piece having a generally constant diameter along the length of the tube. The machine of Bota '184 is for duct members known as top take offs that are conical in shape. Using the method of the present invention, wherein the gores are rotated after cutting, a tapered workpiece in a single workstation is not believed to be possible given the problems related to the change in diameter along the axial length of the tapered work piece which require multiple dies and also present clearance issues with the rotated workpiece.

Claim 13, as amended, is now believed to be distinguished over Bota '184 and therefore claim 13 and dependent claims 15-18 are considered to be in an allowable condition.

#### **CLAIM REJECTIONS – 35 USC 103**

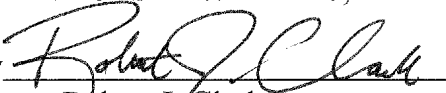
The Examiner has rejected claim 14 under 35 USC 103(a) as being unpatentable over Bota in view of Bellatorre (US Patent 3,010,506).

Claim 14 is dependent upon claim 13, as amended, and is therefore considered to be in an allowable condition.

### REQUEST FOR CONTINUED EXAMINATION

The present amendment is submitted with a Request for Continued Examination and will be followed by an interview request to the Examiner. It is believed that the present amendment clarifies and distinguishes the present invention over the cited references and that entry of the amendment will put the claims in a condition of allowance.

Respectfully submitted,  
HAHN LOESER & PARKS, LLP

By   
Robert J. Clark  
Reg. No. 45,835  
Tel.: (330) 864-5550  
Fax: (330) 864-7986